

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Felix Paul Jaecklin

Application No.: 10/645,601

Filed: August 22, 2003

For: STRUCTURE, ESPECIALLY A SLOPE-  
SUPPORTING STRUCTURE AND/OR NOISE-  
BARRIER STRUCTURE

)  
) Conf. No.: 8576

)  
)  
) Group Art Unit: 3637

)  
) Examiner: Christine T. Cajilig

**Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Attention: Box Petitions

Dear Sir:

In response to the Decision on Petition dated March 9, 2011, the period for response having been extended by the Petition and Fee under 37 C.F.R. 1.136(a), Petitioner herewith renews the previously filed petition under 37 C.F.R. 1.181 to withdraw the holding of abandonment of the subject application. In further support of this petition, Practitioner states that the Office action of December 28, 2007 was not received by Practitioner's former or present firms, and that a search of the file jacket and docket records of his present and former firms indicates that the non-responded Office action of December 28, 2007 was not received by either of such firms, submits herewith the declarations of the Practitioner and Thomas P. Pavelko, also a partner of Practitioner's prior and present firms, attesting to such facts and submits a substitute response to the Office action of November 13, 2007 as required in the notice of non-compliant amendment dated December 28, 2007. Practitioner further advises that to the extent that Practitioner has been able to determine as evidenced by a review of the image file wrapper of the Patent Application Information Retrieval website, a copy of which is submitted herewith, there is no outstanding Office action having been mailed on February 12, 2009, referred to on page 2,

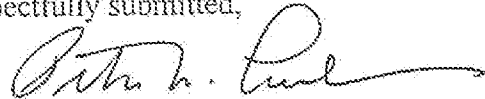
second full paragraph under the subtitle "With respect to item 1:" of the decision on petition dated March 9, 2011.

Petitioner further states that the entire delay in filing the required reply from the due date for reply to the outstanding Office action until filing of a grantable petition was unintentional.

In view of the foregoing, Practitioner respectfully requests that the adverse decision on petition in the above application be withdrawn and that such petition be granted.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith, or credit any overpayment, to our Deposit Account No. 14-1437.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter N. Lalos", with a long horizontal flourish extending to the right.

Peter N. Lalos

Registration No. 19,789

Date: May 10, 2011



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10/645,501

Structure, especially a slope-supporting structure and/or noise-barrier structure



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Application Data

Transaction History

Image File Wrapper

Foreign Priority

Published Documents

Address &amp; Attorney/Agent

Display References

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

## Available Documents

| Mail Room Date | Document Code | Document Description  | Document Category | Page Count |  |
|----------------|---------------|---|-------------------|------------|--|
| 03-05-2011     | PETDEC        | <a href="#">Petition Decision</a>   | PROSECUTION       | 3          |  |
| 06-08-2009     | PETOP         | <a href="#">Petition for review by the Office of Patents.</a>   | PROSECUTION       | 2          |  |
| 06-08-2009     | AF/D          | <a href="#">Rule 130, 131 or 132 Affidavits EFS</a>   | PROSECUTION       | 2          |  |
| 06-08-2009     | N417          | <a href="#">Acknowledgment Receipt</a>  | PROSECUTION       | 2          |  |
| 04-08-2009     | ABN           | <a href="#">Abandonment</a>   | PROSECUTION       | 2          |  |
| 04-28-2008     | CAD           | <a href="#">Change of Address EFS</a>   | PROSECUTION       | 2          |  |
| 04-28-2008     | N417          | <a href="#">Acknowledgment Receipt</a>  | PROSECUTION       | 2          |  |
| 12-28-2007     | NTC.A.NONCPL  | <a href="#">Notice to the applicant regarding a non-compliant or non-responsive amendment</a>         | PROSECUTION       | 2          |  |
| 12-28-2007     | NTC.A.NONCPL  | <a href="#">Notice to the applicant regarding a non-compliant or non-responsive amendment</a>         | PROSECUTION       | 2          |  |
| 11-13-2007     | RCEX          | <a href="#">Request for Continued Examination (RCE)</a>   | PROSECUTION       | 1          |  |
| 11-13-2007     | AMSB          | <a href="#">Amendment Submitted/Entered with Filing of CPA/RCE</a>                                    | PROSECUTION       | 1          |  |
| 11-13-2007     | SPEC          | <a href="#">Specification</a>   | PROSECUTION       | 1          |  |
| 11-13-2007     | CLM.NE        | <a href="#">Claim Amendment Not Entered</a>   | PROSECUTION       | 1          |  |
| 11-13-2007     | REM           | <a href="#">Applicant Arguments/Remarks Made in an Amendment</a>                                      | PROSECUTION       | 3          |  |
| 11-13-2007     | DRW           | <a href="#">Drawings-only black and white line drawings</a>   | PROSECUTION       | 1          |  |
| 11-13-2007     | WFEE          | <a href="#">Fee Worksheet (PTO -875)</a>  | PROSECUTION       | 2          |  |
| 11-13-2007     | N417          | <a href="#">EFS Acknowledgment Receipt</a>  | PROSECUTION       | 2          |  |
| 11-13-2007     | WFEE          | <a href="#">Fee Worksheet (PTO -875)</a>  | PROSECUTION       | 1          |  |
| 08-10-2007     | CTFR          | <a href="#">Final Rejection</a>   | PROSECUTION       | 18         |  |
| 08-10-2007     | 392           | <a href="#">List of references cited by examiner</a>  | PRIOR ART         | 1          |  |
| 08-10-2007     | FWCLM         | <a href="#">Index of Claims</a>   | PROSECUTION       | 1          |  |
| 08-10-2007     | SRFW          | <a href="#">Search information including classification, databases and other search related notes</a> | PROSECUTION       | 1          |  |
| 08-04-2007     | ELC           | <a href="#">Response to Election / Restriction Filed</a>  | PROSECUTION       | 1          |  |

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| 06-04-2007 | REM          | <u>Applicant Arguments/Remarks Made in an Amendment</u>                                      | PROSECUTION | 2 | <input type="checkbox"/> |
| 05-03-2007 | CTRS         | <u>Requirement for Restriction/Election</u>  | PROSECUTION | 7 | <input type="checkbox"/> |
| 03-02-2007 | WFEE         | <u>Fee Worksheet (PTO -B75)</u>  | PROSECUTION | 1 | <input type="checkbox"/> |
| 12-28-2006 | NTC-PUB      | <u>Notice of Publication</u>   | PROSECUTION | 1 | <input type="checkbox"/> |
| 08-07-2006 | PEFR         | <u>Applicant Response to Pre-Exam Formalities Notice</u>                                     | PROSECUTION | 1 | <input type="checkbox"/> |
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| 06-12-2006 | PEFN         | <u>Pre-Exam Formalities Notice</u>   | PROSECUTION | 1 | <input type="checkbox"/> |
| 05-02-2006 | CTNF         | <u>Non-Final Rejection</u>   | PROSECUTION | 8 | <input type="checkbox"/> |
| 05-02-2006 | 892          | <u>List of references cited by examiner</u>  | PRIOR ART   | 1 | <input type="checkbox"/> |
| 05-02-2006 | BIB          | <u>Bibliographic Data Sheet</u>  | PROSECUTION | 1 | <input type="checkbox"/> |
| 05-02-2006 | SRFW         | <u>Search information including classification, databases and other search related notes</u> | PROSECUTION | 1 | <input type="checkbox"/> |
| 05-02-2006 | FWCLM        | <u>Index of Claims</u>   | PROSECUTION | 1 | <input type="checkbox"/> |
| 04-24-2006 | SRNT         | <u>Examiner's search strategy and results</u>  | PROSECUTION | 1 | <input type="checkbox"/> |
| 03-24-2006 | PEFN         | <u>Pre-Exam Formalities Notice</u>   | PROSECUTION | 1 | <input type="checkbox"/> |
| 03-06-2005 | PET-DEC-DIPE | <u>Petition decision routed to the DIPE to act on the decision or continue prosecution.</u>  | PROSECUTION | 1 | <input type="checkbox"/> |
| 03-01-2006 | STATUS.LET   | <u>Request for status of Application</u>   | PROSECUTION | 1 | <input type="checkbox"/> |
| 11-02-2005 | PET-OP       | <u>Petition for review by the Office of Petitions.</u>                                       | PROSECUTION | 5 | <input type="checkbox"/> |
| 11-02-2005 | PEFR         | <u>Applicant Response to Pre-Exam Formalities Notice</u>                                     | PROSECUTION | 2 | <input type="checkbox"/> |
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| 11-02-2005 | CLM          | <u>Claims</u>  | PROSECUTION | 6 | <input type="checkbox"/> |
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| 11-02-2005 | OATH         | <u>Oath or Declaration filed</u>   | PROSECUTION | 2 | <input type="checkbox"/> |
| 07-14-2005 | ABN          | <u>Abandonment</u>   | PROSECUTION | 2 | <input type="checkbox"/> |
| 11-01-2004 | PEFN         | <u>Pre-Exam Formalities Notice</u>   | PROSECUTION | 1 | <input type="checkbox"/> |
| 11-01-2004 | PEFN         | <u>Pre-Exam Formalities Notice</u>   | PROSECUTION | 2 | <input type="checkbox"/> |
| 12-15-2003 | PEFN         | <u>Pre-Exam Formalities Notice</u>   | PROSECUTION | 2 | <input type="checkbox"/> |

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| 08-22-2003 | TRMA   | <a href="#">Transmittal of New Application</a>                  | PROSECUTION | 5  | <input type="checkbox"/> |
| 08-22-2003 | 136A   | <a href="#">Authorization for Extension of Time all replies</a> | PROSECUTION | 5  | <input type="checkbox"/> |
| 08-22-2003 | SPECNO | <a href="#">Specification - Not in English</a>                  | PROSECUTION | 15 | <input type="checkbox"/> |
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| 08-22-2003 | WFEE   | <a href="#">Fee Worksheet (PTO -875)</a>                        | PROSECUTION | 1  | <input type="checkbox"/> |
| 08-22-2003 | LET    | <a href="#">Miscellaneous Incoming Letter</a>                   | PROSECUTION | 2  | <input type="checkbox"/> |
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